

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/29/2021
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIPE CIRNE DE LOS SANTOS,

Plaintiff,

-against-

94 CORNER CAFE CORP., MOHINDER SINGH,
BALWINDER SINGH, PARMAJIT KAUR, and KADRA
ZARWI,

Defendants.

1:21-cv-1577-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from Defendants advising the Court that they will not be able to secure counsel by the deadline set by the Court in its Scheduling Order filed September 1, 2021. [See ECF No. 26]

IT IS HEREBY ORDERED that the deadline for Defendant 94 Corner Café Corp. to appear with licensed counsel is extended from on or before September 30, 2021 to on or before October 28, 2021. As the Court set forth in Orders dated July 6, 2021 [ECF No. 14], August 3, 2021 [ECF No. 23], and September 1, 2021 [ECF No. 26], and further explained at the conference held on August 31, 2021, because it is a corporate entity, Defendant 94 Corner Café Corp. may not proceed *pro se*. In other words, Defendant 94 Corner Café Corp. may appear in federal court only through licensed counsel. *See, e.g., Grace v. Bank Leumi Trust Co. of N.Y.*, 443 F.3d 180, 187 (2d Cir. 2006) (“[I]t is well-settled law that a corporation may appear in the federal courts only through licensed counsel”); *Pecarsky v. Galaxiworld.com Ltd.*, 249 F.3d 167, 172 (2d Cir. 2001) (“As a corporation, appellant, Galaxiworld, could only appear with counsel.”).

IT IS FURTHER ORDERED that the deadlines set out in the Scheduling Order filed September 1, 2021 are extended as follows:


- The Deadline to file a letter advising the Court of the status (not substance) of settlement negotiations is extended from on or before October 20, 2021 to November 17, 2021. Plaintiff shall advise in their letter whether the parties have engaged in settlement discussions, if so, when and by what means, whether the discussions have resulted in a settlement, whether discussions are ongoing, and whether referral to a magistrate judge or the Southern District's mediation program would assist in bring the case to resolution.
- On the condition Defendants first engage in good faith settlement negotiations with Plaintiff, the Court GRANTS the individual Defendants leave to file a motion to dismiss the Complaint. Defendants are reminded that 94 Corner Café Corp. may not file any motion other than by a licensed attorney. The briefing schedule is extended as follows:
 - Individual Defendants' motion due on or before November 22, 2021;
 - Plaintiff's opposition due on or before December 20, 2021; and
 - Individual Defendants' reply due on or before January 10, 2022.

Failure to comply with this Order and the deadlines herein may result in sanctions, including the preclusion or dismissal of claims or defenses. Defendant is advised that failure to secure counsel by the deadlines set out in this order may result in an entry of default judgment entered against Defendants.

The Clerk of Court is respectfully requested to mail copies of this Order to the individual Defendants at 2518 Broadway, New York, NY 10025.

SO ORDERED.

**Dated: September 29, 2021
New York, NY**


MARY KAY VYSKOČIL
United States District Judge